

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

NATIONAL ASSOCIATION OF HOME  
BUILDERS, ET AL

Plaintiffs

v.

MONTGOMERY COUNTY, MARYLAND,

Defendant

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\* Civil Action No. 8:24-CV-03024-PX

**CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND**  
**TO PLAINTIFFS' COMPLAINT FOR**  
**DECLARATORY AND INJUNCTIVE RELIEF**

Defendant Montgomery County, Maryland, by its undersigned counsel, pursuant to Local Rule 105.9, and with the consent of Plaintiffs, moves that the time in which Defendant must respond to Plaintiffs' Complaint for Declaratory and Injunctive Relief be extended until January 15, 2025, and in support thereof states as follows:

1. On October 17, 2024, Plaintiffs filed a 24-page Complaint, attaching 8 Exhibits, against the County seeking declaratory and injunctive relief under the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. §§ 6201-6422, against enforcement of provisions of Montgomery County Bill 13-22, which, Plaintiffs allege "bans the use of gas appliances in new construction." ECF 1.
2. The County was served with the Complaint on October 22, 2024.
3. Pursuant to Fed. R Civ. P 12(a), Defendant must respond to Plaintiffs' Complaint by November 12, 2024.
4. The undersigned has scheduled meetings with various officials but needs additional time to complete the meetings in order to adequately investigate Plaintiffs' claims and

file a response. Moreover, the response requires detailed research into the legislative history of the EPCA and analysis of statutory preemption, standing and ripeness, issues which are expected to determine the outcome of this case in its early stages.

5. In addition, other professional commitments, including an argument at the Appellate Court of Maryland on December 5, have undersigned counsel committed through the beginning of December. Counsel also has prearranged travel out of the country for the December holidays. Accordingly, due to the press of business and competing priorities in their office, the undersigned need until January 15, 2024, to fully respond to the Complaint.

6. Plaintiffs' counsel consent to the grant of this extension request and the proposed briefing schedule.

7. Neither party will be prejudiced by the grant of this request and a brief delay to fully research and brief the matter will not additionally impact the parties.

8. For the forgoing reasons, additional time is needed to respond adequately to the allegations contained in the Complaint. **Defendant County requests until January 15, 2025, to file their response, proposes any Opposition be due on March 17, 2025, with a Reply deadline of April 15, 2025.**

WHEREFORE, Defendant, with the consent of Plaintiffs, respectfully requests that this Court enter an Order granting its Motion for Extension of Time to Respond to Plaintiffs' Complaint.

Respectfully submitted,

JOHN P. MARKOVS  
COUNTY ATTORNEY

\_\_\_\_\_/s/\_\_\_\_\_  
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